

1 Ray L. Wong (SBN 84193)
2 DUANE MORRIS LLP
3 One Market, Spear Tower, Suite 2000
4 San Francisco, CA 94105-1104
5 Telephone: 415.957.3000
6 Facsimile: 415.957-3001
7 E-Mail: rlwong@duanemorris.com

5 Michelle Hon (SBN 234492)
DUANE MORRIS LLP
6 101 West Broadway, Suite 900
San Diego, CA 92101
7 Telephone: 619.744.2200
Facsimile: 619.744.2201
8 E-Mail: mhon@duanemorris.com

9 Specially Appearing for Defendants VENETIAN
10 CASINO RESORT, LLC; LAS VEGAS SANDS, LLC,
and LAS VEGAS SANDS CORP.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 JONATHAN BROWNING, INC., a California corporation.

Plaintiff.

v.

18 VENETIAN CASINO RESORT, LLC, a Nevada
19 limited liability company; LAS VEGAS SANDS,
20 LLC, a Nevada limited liability company; LAS
VEGAS SANDS CORP., a Nevada corporation; and
DOES 1 through 100, inclusive,

Defendant.

Case No.: C 07-3983 JSW

**SUPPLEMENTAL DECLARATION OF
FRANKLIN H. LEVY IN SUPPORT OF
DEFENDANTS' MEMORANDUM OF
POINTS AND AUTHORITIES RE
MOTION TO DISMISS**

Date: November 2, 2007
Time: 9:00 am

Complaint Filed: August 2, 2007
Judge: Jeffrey S. White
Courtroom: 2, 17th floor

23 I, Franklin H. Levy, declare:

1. I am Special Counsel to Venetian Casino Resort, LLC. I have personal knowledge of the matters stated herein, and if called as a witness, I could and would testify competently to them.

1 2. I submit this supplemental declaration in support of Defendants' Memorandum of
2 Points and Authorities in Support of Motion to Dismiss.

3 3. The pertinent records of Venetian Casino Resort LLC's human resources department
4 indicate Venetian Casino Resort LLC does not presently employ anyone by the name of Aileen
5 Pauco. Upon further inquiry, I discovered that an Aileen Pauco was previously employed by
6 Venetian Casino Resort LLC.

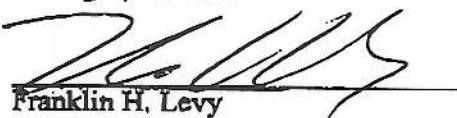
7 4. Venetian Casino Resort LLC cannot find any record of requesting a bid from
8 Jonathan Browning, Inc. for wall sconces.

9 5. I have reviewed the Declaration of Marco Heithaus and the fax cover sheet attached
10 as Exhibit A. Although its investigation is still ongoing, Venetian Casino Resort LLC has not been
11 able to find a record of this fax cover sheet.

12 6. The Venetian Casino Resort LLC operates a website that can be accessed at
13 www.venetian.com. This website provides information regarding entertainment and services offered
14 by the Venetian Resort Hotel and Casino in Nevada, such as entertainment, accommodations, dining,
15 gambling. The only interactive part of the website is the ability to reserve a room at The Venetian
16 Resort Hotel and Casino. Venetian Casino Resort LLC does not sell goods through its website or
17 ship goods ordered from any website into California.

18 I declare under penalty of perjury under the laws of the United States of America that the
19 foregoing is true and correct.

20 Executed this 10th day of October, 2007 at Las Vegas, Nevada.

21 
22 Franklin H. Levy

23
24
25
26
27
28

Case 3:07-cv-03983-JSW Document 25-5 Filed 10/10/2007 Page 3 of 3

*** RX REPORT ***

RECEPTION OK

TX/RX NO	5348
RECIPIENT ADDRESS	7027335761
DESTINATION ID	
ST. TIME	10/10 14:51
TIME USE	00'26
PGS.	2
RESULT	OK